IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8226 OF 2007

Samarnath Mahabal Pandey ...Petitioner

Versus

Shri Sanjay Kumar Babulnath

Pandey and Ors. .....Respondents.

Dinesh C.Shah for the petitioner.

Mr.R.R.Salvi for respondent nos.1 and 4.

Coram: S.C.Dharmadhikari, J.

20.11.2007

P.C.:

1. This is a petition under Article 227 of the Constitution of India challenging an order passed during the course of hearing on an application for amendment made by the Respondent who is the

Original Plaintiff in Special Civil Suit No. 22 of 2007. The amendment application is still pending. It is indeed unfortunate that the amendment application which has been moved as early as in 2002 is still not decided by the Trial Court. In such circumstances without going into the rival contentions, at this stage, the interest of justice would be sub-served if the petition is disposed off by directing the Trial Court to decide the Application for amendment as expeditiously as possible and in any event before 31.12.2007. Needless to state that both sides would be at liberty to raise all such contentions as are permissible in law. The Learned Judge to allow the petitioner to raise all contentions as are permissible in law to oppose the application for amendment and he should decide the application uninfluenced by any observations made in the impugned order and strictly in accordance with law. Petition disposed off.

sd/-

(S.C.Dharmadhikari, J)